

W A R R A N T
THE COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS.

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the Richard J. Collins Field House, Andover High School, Shawsheen Road, in said Andover, on

MONDAY, THE THIRTIETH DAY OF APRIL, 2012

at seven o'clock P.M. to act upon the following articles:

Annual Town Election

ARTICLE 1. Annual Town Election: Moderator for one year, two Selectmen for three years, two School Committee members for three years, Greater Lawrence Regional Vocational Technical School District Committee member for three years, two Punchard Free School Trustees for three years, two Punchard Free School Trustees for two years and one Punchard Free School Trustee for one year.

Election Not Required by Ballot

ARTICLE 2. To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

On request of the Town Clerk

Salaries of Elected Officials

ARTICLE 3. To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

On request of the Town Clerk

FY-2013 Budget

ARTICLE 4. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013, or take any other action related thereto.

On request of the Town Manager

FY-2013 Capital Projects Fund Appropriation

ARTICLE 5. To see if the Town will vote to raise by taxation and appropriate the sum of \$2,020,000 for the purpose of funding the Fiscal Year 2013 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

Budget Transfers

ARTICLE 6. To see if the Town will vote to transfer from amounts previously appropriated at the 2011 Annual Town Meeting or Special Town Meetings as authorized by MGL Chapter 44, Section 33B, or take any other action related thereto.

On request of the Finance Director

Supplemental Budget Appropriations

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2011 Annual Town Meeting, or take any other action related thereto.

On request of the Finance Director

Stabilization Fund

ARTICLE 8. To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

On request of the Town Manager

Unexpended Appropriations

ARTICLE 9. To see what disposition shall be made of unexpended appropriations and free cash in the treasury, or take any other action related thereto.

On request of the Finance Director

General Housekeeping Articles

ARTICLE 10. To see if the Town will vote the following consent articles, or take any other action related thereto:

A. Grant Program Authorization

To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

On request of the Town Manager

B. Road Contracts

To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

On request of the Town Manager

C. **Town Report**

To act upon the report of the Town officers, or take any other action related thereto.

On request of the Town Manager

D. **Property Tax Exemptions**

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2013 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

E. **Contracts in Excess of Three Years**

To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

F. **Accepting Easements**

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

G. **Rescinding of Bond Authorizations**

To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

On request of the Finance Director

Granting Easements

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

Unpaid Bills

ARTICLE 12. To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

Chapter 90 Authorizations

ARTICLE 13. To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

On request of the Town Manager

Jerry Silverman Fireworks

ARTICLE 14. To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$12,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

FY-2013 Revolving Accounts

ARTICLE 15. To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2012, or take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2013 Limit
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$15,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$40,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$625,000

E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$400,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$100,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$200,000
H. Police Communications	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. School Photocopy Fees	School Dept.	Photocopy Center Costs	External Private Groups	\$10,000
J. Compost Program	Plant & Facilities Director	Offset Compost Monitoring and Cleanup Expenses	Contractor permit fees, revenues from sale of compost	\$60,000
K. Solid Waste	Public Works Director	Offset Trash & Recycling Costs	CRT, HHW & Trash fees	\$40,000
L. Stormwater Management	Planning Director	Consulting and environmental monitoring of Stormwater Management applications and permits	Applicant	\$5,000
M. Fire Rescue	Fire Chief	Training and Equipment	Service Fees	\$100,000

On request of the Finance Director

Elderly/Disabled Transportation Program

ARTICLE 16. To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$8,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

Insurance Recovery Transfer

ARTICLE 17. To see if the Town will vote to transfer the sum of \$24,694 from the Insurance Proceeds in Excess of \$20,000 Account and appropriate it to the Municipal Building/Insurance Fund, said sum being the amount received for insurance reimbursement, or take any other action related thereto.

On request of the Finance Director

Town Yard – Acquisition of 5 Campanelli Drive – Acquisition, Design and Construction

ARTICLE 18. To see if the Town will vote to appropriate \$18,250,000 to pay the costs of developing and constructing a new Town Yard facility including the purchase of approximately 15.16 acres of land at 5 Campanelli Drive, and the private way known as Campanelli Drive shown as “Lot 3” and “Campanelli Drive” on a plan entitled “Definitive Subdivision Plan, River Road Business Center, Andover, Mass.,” dated February 5, 1986, drawn by Bradford Saivetz & Associates, Inc., which plan is recorded with the Essex North Registry of Deeds as Plan No. 10256, and which plan is on file with the Town Clerk’s Office and as further shown on Assessors Map 142, Lot 6, and to authorize the Selectmen to acquire the foregoing land by gift, option, purchase or eminent domain, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town and to pay costs of design, engineering, construction and originally equipping and furnishing the new Town Yard facility, and for the payment of any and all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3a) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however, that no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts required to be raised to repay any borrowing pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2½), or take any other action related thereto.

On request of the Town Yard Task Force

Town Yard – Acquisition of 65 River Road

ARTICLE 19. To see if the Town will vote to appropriate \$250,000 for the acquisition, and for costs related to such acquisition, of the land at 65 River Road, shown as Lot 4 on a Sketch Plan entitled “Lot 4, 1.5 Acre Parcel, Land of Nancy A. Godek, Andover, Ma.,” prepared for the Town of Andover, dated January 24, 2012, by Dana F. Perkins, Inc., which plan is on file with the Town Clerk’s Office for municipal purposes and for any other costs incidental and related thereto, and to authorize the Board of Selectmen to acquire such land with the buildings thereon, by gift, option, purchase, or eminent domain, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3a) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however, that no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts required to be raised to repay any borrowing pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2½), or to take any other action related thereto.

On request of the Town Yard Task Force

Support for Civic Events

ARTICLE 20. To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed \$4,000 for the purpose of paying a portion of the municipal costs associated with civic events in the downtown, or take any other action related thereto.

On request of the Town Manager

Spring Grove Cemetery Maintenance

ARTICLE 21. To see if the Town will vote to transfer the sum of \$15,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$15,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Plant and Facilities Director

Technology Infrastructure, Connectivity, Hardware and Telecommunications Equipment

ARTICLE 22. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing, leasing or by any combination thereof and appropriate the sum of \$2,500,000 for the purposes of upgrading and extending the Town's existing data, video and telecommunications infrastructure, including school and municipal wireless capabilities, network capacity, servers, storage, multimedia tools, video projection, telecommunications and personal computing and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Chief Information Officer

Town Playground Replacements

ARTICLE 23. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$200,000 for the purpose of paying costs of Town playground replacements, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Director of Plant and Facilities

Town Building and Facility Maintenance

ARTICLE 24. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$400,000 for the purpose of paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various Town buildings and facilities and for the payment of all other costs incidental and related, or to take any other action related thereto.

On request of the Acting Director of Plant and Facilities

School Building Maintenance and Renovation

ARTICLE 25. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$1,000,000 for the purpose of

paying costs of constructing, adding to, remodeling, reconstructing and making extraordinary repairs to and equipping various School buildings and roofs and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Director of Plant and Facilities

Balmoral Dam Removal – Eminent Domain Taking

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for the purpose of removing the Existing Balmoral Dam, on terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town the property located at Balmoral Street and Haverhill Street known as the Existing Balmoral Dam, as shown on a plan entitled “Proposed Easement and Taking Plan of Land in Andover, MA, Date: January 19, 2012,” drawn by A.C. Nelson Cartography, Burlington, Massachusetts 01803-0139, on file with the Town Clerk’s Office, which property is more particularly described as follows:

Property shown on said plan as “Existing Balmoral Dam, Owned by Milliken & Company, Taking Area 921.6 square feet,” and to pay no damages for said property, or take any other action related thereto.

On request of the Conservation Commission

Balmoral Dam Removal – Eminent Domain Taking – Construction Easement

ARTICLE 27. To see if the Town will vote to authorize the Selectmen to acquire by purchase, gift or eminent domain a temporary construction easement for the purpose of removing the Existing Balmoral Dam, on terms and conditions deemed by the Board of Selectmen, to be in the best interests of the Town on property located at Balmoral Street and Haverhill Street as shown on a plan entitled “Proposed Easement and Taking Plan of Land in Andover, MA, Date: January 19, 2012,” drawn by A.C. Nelson Cartography, Burlington, Massachusetts 01803-0139, on file with the Town Clerk’s Office, which easement is more particularly described as follows:

Easement shown on said plan as “Construction Easement,” Area 10,062.5 square feet, on land shown as Parcel 36-91, Balmoral Condominium, and to pay no damages for said easement, or take any other action related thereto.

On request of the Conservation Commission

Balmoral Fence & Masonry Repairs

ARTICLE 28. To see if the Town will vote to raise by taxation, transfer from available funds, borrowing or by any combination thereof and appropriate the sum of \$125,000 for the purpose of paying costs of Balmoral fence and masonry repairs, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Director of Plant and Facilities

Zoning Bylaw Amendment – Flood Hazard Overlay District

ARTICLE 29. To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, Section 8.2, Flood Hazard Overlay District by deleting Section 8.2 in its entirety and replace it with the following:

8.2 FLOOD HAZARD OVERLAY DISTRICT

8.2.1 Purpose. The purposes of the Flood Hazard Overlay District (FHOD) are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
4. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact region as of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flooding waters.

8.2.2 Location. The boundaries of the Flood Hazard Overlay District shall enclose all special flood hazard areas designated Zone A or Zone AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Andover are panel numbers 25009C0195F, 25009C0203F, 25009C0204F, 25009C0208F, 25009C0211F, 25009C0212F, 25009C0213F, 25009C0214F, 25009C0216F, 25009C0217F, 25009C0218F, 25009C0219F, 25009C0236F, 25009C0238F, 25009C0239F, 25009C0352F, 25009C0356F, 25009C0357F, 25009C0376F and 25009C0377F, dated July 3, 2012. The exact boundaries of the FHOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS reports are incorporated herein by reference and are on file with the Planning Board and the Inspector of Buildings.

8.2.3. Overlay District. The FHOD is hereby established as an overlay district. Where the regulations of the FHOD impose greater or lesser restrictions or requirements than those of other applicable bylaws or regulations, the more restrictive shall apply.

8.2.4. Regulations. Any development within the FHOD, including structural and non-structural activities, whether permitted by right or by special permit, shall be subject to all otherwise applicable requirements of the underlying zoning district in which it is located,

including usual use and dimensional requirements, and also to the following requirements:

1. [reserved]
 2. The flood-carrying capacity of any watercourse shall be maintained in the event of any alteration of relocation, as determined by the Inspector of Buildings upon the advice of the Conservation Commission.
 3. Within Zone A, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. Within Zone AE, along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. Within Zone AE, along watercourses that have regulatory floodways designated with the Town of Andover on the Essex County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 4. The requirements of 780 CMR of the Massachusetts State Building Code which address floodplain areas; 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP); 310 CMR 13.00, Inland Wetlands Restriction, DEP; 310 CMR 15, Title 5, Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP; all as from time-to-time amended and if the particular CMR is then in force and effect as a Massachusetts regulation.
 5. Where any alteration or relocation of a watercourse is proposed, the appropriate federal, state and local authorities shall be notified, including the National Flood Insurance Program State Coordinator and Program Specialist, as well as representatives of adjacent communities.
- 8.2.5. Special Permit.** The Board of Appeals may grant a special permit to provide an exception to the requirements of Section 8.2.4 above. Such special permit may be granted only in the case of structures such as boat houses which require waterfront location and are not continuously used for human occupancy or in the case of development on a lot of less than a half acre which is surrounded by existing non-conforming structures, in either case provided that all of the following are shown:
- (a) good and sufficient cause;
 - (b) failure to allow the departure would result in exceptional hardship to the applicant;
 - (c) allowing the departure will not result in increased flood heights, additional threats to public safety, extraordinary public expense, created nuisances,

- cause fraud on or victimization of the public or conflict with other bylaws or regulations; and
- (d) the departure is the minimum necessary, considering the flood hazard, to afford relief.

Exceptions may also be granted for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places.

8.2.6 [Added 5-26-2009 ATM, Article 67]

1. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments for land area containing more than 50 lots or for land area greater than 5 acres, whichever is the lesser, within un-numbered A zones as determined by the Flood Insurance Rate Map (FIRM).
2. Other Use Regulations: All subdivision proposals must be designed to assure that:
 - (a) such proposals minimize flood damage;
 - (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided to reduce exposure to flood hazards.

And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Conservation Director

Lease of Land at 126 Tewksbury Street for Solar Facilities

ARTICLE 30. To see if the Town will vote to authorize the change of use of a parcel of land at 126 Tewksbury Street, which is under the care, custody and control of the Board of Selectmen, being a portion of the land shown on Town of Andover Assessors' Map 182, Lot 7 and which parcel of land is also shown on the map entitled "Town Of Andover Solar Feasibility Study" dated November 2011, as prepared by Tighe & Bond, and also shown as portions of Parcel II on Plan of Land entitled, "Division of Land Parcel II," dated October 28, 2005, prepared by Oak Engineers and recorded with North Essex District Registry of Deeds as Plan No. 15316, which plans are on file with the Town Clerk's Office, for the purpose of leasing said land for a solar energy facility and to authorize the Board of Selectmen to enter into a lease of said land on terms and conditions they deem to be in the best interest of the Town, for a term not to exceed twenty years, and to enter into a contract for the purchase of power or net metering credits from said solar energy facility for a term not to exceed twenty years, on terms and conditions they deem to be in the best interest of the Town, or take any other action related thereto.

On behalf of the Andover Green Advisory Board, Plant & Facilities Department and the
Planning Director

Fire-Rescue Communications Upgrades

ARTICLE 31. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$200,000 for the purpose of purchasing and installing Fire-Rescue communications equipment, or to take any other action related thereto.

On request of the Fire Chief

Zoning Bylaw Amendment – Specific Accessory Uses: Take-Out Services

ARTICLE 32. To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII, §3.2.1 (Specific Accessory Uses) by adding the following language to the end of the section:

5. *Take-out Service in Sit-down Restaurants.* A sit-down restaurant may offer take-out service, provided that such service shall be available only during the hours when sit-down service is also available.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On request of the Planning Director

DPW Vehicles

ARTICLE 33. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$300,000 for the purpose of purchasing Public Works vehicles, or to take any other action related thereto.

On request of the Acting Director of Public Works

Tax Increment Financing Plan

ARTICLE 34. To see if the Town will vote to approve a Tax Increment Financing Plan for 800 Federal Street (hereafter known as the TIF Plan) and authorize the Board of Selectmen to reach an Agreement with the owner of the property, for a parcel of land and buildings thereon shown on Assessor's Map 145, Parcel 10, and to authorize the Board of Selectmen to take any such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Plan. The property shall be designated as a Tax Increment Financing Zone, which, as defined in the proposed TIF Plan, presents exceptional opportunities for increased economic development. The TIF Plan shall provide that the Town shall provide for an exemption of property taxes or a percentage thereof based on the incremental increase in property value in assessed valuation of the property for a period of not more than twenty years in accordance with the requirements of Massachusetts General Laws Chapter 23A, Section 3E; Chapter 40, Section 49; and Chapter 59, Section 5 and pursuant to 751 CMR 1.04 (1)(b) and 402 CMR 2.00. In return for such tax benefits, in accordance with the TIF Plan, the owner of the property shall ensure that at the above property the location and expansion of uses which increase job creation, provide higher property values, and retain or expand economic development in the Town and the Commonwealth; or take any other action relative thereto.

On request of the Planning Director

Major Water Main Replacement

ARTICLE 35. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$1,439,000 for the purpose of paying costs of design, engineering, constructing, reconstructing or replacing water mains, and for the payment of all other costs incidental and related thereto, including, but not limited to, all costs associated with land acquisition by eminent domain, or take any other action related thereto.

On request of the Acting Director of Public Works

WTP Filter Backwash Discharge Tank

ARTICLE 36. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$300,000 for the purpose of paying for the design, engineering, and permitting costs for constructing a filter backwash discharge tank at the Water Treatment Plant, or take any other action related thereto.

On request of the Acting Director of Public Works

Sewer Infrastructure Maintenance Vehicle

ARTICLE 37. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$250,000 for the purpose of purchasing a sewer infrastructure maintenance vehicle, or to take any other action related thereto.

On request of the Acting Director of Public Works

West Middle School Repair

ARTICLE 38. To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Town Manager for the conversion of the steam heating system to a hot water system at the West Middle School building located at 70 Shawsheen Road, Andover, MA and as shown on Andover Assessor's Map 72, Lot 54, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 39 percent (39%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any other action related thereto.

On request of the Acting Director of Plant and Facilities

Increase Benefits to Retiree Survivors

ARTICLE 39. To see if the Town will vote to accept the provisions of Chapter 176, Sections 29 and 30 of the Acts of 2011 to amend Massachusetts General Laws, Chapter 32, Section 12(2)(d)

to increase the benefit provided therein to \$6,000 per year, or take any other action related thereto.

On request of the Andover Contributory Retirement Board

Zoning Bylaw Amendment – Add Industrial D2 District

ARTICLE 40. To see if the Town will vote to amend Article VIII of the Andover Zoning Bylaw to add a new district called “Industrial D2”, by (1) amending Section 2.1. ESTABLISHMENT by adding “ID2 – Industrial D2 at the end of Section 2.1; (2) amending Section 2.3 Zoning Map by designating the land located on Dascomb Road in the vicinity of the Andover/Tewksbury Town line consisting of Assessor’s Parcels 203-1, 203-2 and 203-3 and also being shown as the Andover portion of land shown on a plan entitled “Subdivision Plan, 146 Dascomb Road, Andover & Tewksbury, Mass. Scale: 1” = 80’, January 21, 1999, Harry R. Feldman, Inc. Land Surveyors”, duly recorded with the Essex North District Registry of Deeds as Plan Number 13564 (a copy of which is attached hereto as APPENDIX ONE and a copy of which is on file in the Office of the Town Clerk) to be land zoned as Industrial D2; (3) amending Section 4.1.4. Special District Regulations by changing Section 4.1.4.3. Industrial Districts and Office Park Districts by adding in subparagraph a. in two locations in this paragraph, following the words “Industrial D”, the words “Industrial D2” before the words “or Office Park” and by adding in subparagraph b. following the words “Industrial D”, the words “Industrial D2” before the words “or Office Park” and by adding at the end of Section 4.1.4.3 the following: “g. In the Industrial D2 District, multiple buildings are allowed on a lot.”; (4) amending Section 5.2.14. following the words “Signs in Industrial D (ID)” by adding the words “and (ID2)” before the word “Districts”; (5) amending Section 9.4 SPECIAL PERMITS by adding a new Section 9.4.10 as follows:

“9.4.10 Special Permit in the ID2 District

In addition to the criteria contained in Section 9.4.2. and 9.4.8. of this bylaw, the Planning Board may issue a Special Permit in the ID2 District only after consideration of the additional Special Permit criteria outlined below:

- a. The proposed development must not adversely impact the existing retail environment in the General Business Districts, specifically downtown Andover.
- b. The proposed development must demonstrate that the scale, massing and detailing of buildings are compatible with the character of the community.
- c. The proposed development must provide landscape plans for the site, the parking areas and internal landscaped islands. The parking areas should service adjacent structures when possible. The Planning Board may, at their discretion, require additional landscaping.
- d. The proposed development must demonstrate that it has a positive impact on the community including, but not limited to, fiscal impact, Town services and employment.

- e. The proposed development must provide for adequate traffic mitigation and improvements if the proposed use negatively impacts current traffic flow conditions.
- f. The proposed development must demonstrate that it is in harmony with the general purpose and intent of the Master Plan.

(6) Amending Appendix A Table 1 Section 3.1.3 – Table of Use Regulations by adding to the Industrial Districts section a fourth column entitled “ID2” identical in composition to the third column entitled “ID” except that in subsection C. Business and Commercial Uses, the following seven uses shall require a Special Permit from the Planning Board which shall be signified by the use of the designation “PB” in said fourth column entitled “ID2” which said seven uses are the following: 3. Personal service establishment; 6. Retail sales establishment; 7. Convenience store; 9. Medical Center or clinic; 12.a. Restaurant, fast food; and 14. Indoor commercial recreation establishment; and

(7) Amending Appendix A Table 2 Section 4.1.2 – Table of Dimensional Requirements by adding to the end of said Table a row for Industrial D2 as shown on APPENDIX TWO attached hereto.

APPENDIX TWO

APPENDIX A TABLE 2 Section 4.1.2 –
Table of Dimensional Requirements

District	Minimum Lot Dimensions (e)		Minimum Yard Depth (f)			Maximum Height (g)		Maximum Coverage Including Accessory Building (percent)
	Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Feet	Stories	
Single Residence A	15,000 (a)	115	35	20 (d)	30	35	--	--
Single Residence B	30,000 (a)	150	40	25 (c)	30	35	--	--
Single Residence C	43,560 (a)	180	50	30 (c)	30	35	--	--
Apartment (h)	(i)	(i)	30	20	20	35	3	30 (b)
Limited Service	--	--	30	50	50	40	3	30 (b)
Office Park (j)	43,560	180	30	50	50	40	3	33 1/3 (b)
General Business (k)	--	--	--	--	--	50	4	--
Mixed Use (l)	--	50	10	10	10	50	4	30 (b)
Industrial G (j)	--	--	30	15	15	60	5	50 (b)
Industrial A (j)	--	--	50	40	40	60	4	30 (b)
Industrial D (j)	--	50	100	100	100	50	3	25 (b)
Industrial D 2 (j)	--	50	50	40	40	50	3	30 (b)

And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On petition of Mark B. Johnson, Esq. and others.

Street Acceptance and Name Change – Monette Circle

ARTICLE 41. To see if the Town will vote to accept and name as a public way the following street: Monette Circle:

Monette Circle, as shown on a plan approved by the Andover Planning Board entitled “Monette Circle,” dated 5/17/07 through 8/16/07, as prepared by Merrimack Engineering Services and recorded in the Essex North District Registry of Deeds as Plan Number 15928, and also shown on “Street Acceptance Plan of Land, Monette Circle,” Prepared for 7-10 Paulornette Realty Trust, by Cornerstone Land Consultants, Inc., which plans are on file with the Town Clerk, and to change the name of a portion of Paulornette Circle shown on said Street Acceptance Plan of Land as “Formerly known as Paulornette Circle to be named as Monette Circle” to Monette Circle, or take any other action related thereto.

On request of the Board of Selectmen

High Plain Road at Fish Brook Improvements

ARTICLE 42. To see if the Town will vote to raise by taxation, borrowing, or transfer from available funds or by any combination and appropriate the sum of \$1,100,000 for the purpose of paying the costs of roadway and drainage improvements on High Plain Road at Fish Brook, and for the payment of all other costs incidental and related thereto, or take any other action related thereto

On request of the Acting Director of Public Works

Water Distribution Maintenance

ARTICLE 43. To see if the Town will vote to raise by borrowing, or transfer from available funds or by any combination and appropriate the sum of \$500,000 for the purpose of paying costs of cleaning and lining or replacing water mains, and for the payment of all other costs incidental and related thereto, or take any other action related thereto.

On request of the Acting Director of Public Works

Payment Option for Obligations

ARTICLE 44. To see if the town will vote to amend Article XII of the Town Bylaws by adding the following section:

48. The Selectmen are authorized to offer Town employees and contractors the option of receiving a portion of their payments in the form of equal purchasing power amounts of One Dollar American Silver Eagle Coins or equivalents, and are authorized to initiate the systems necessary for this purpose.

And further, that non-substantive changes to the numbering of this Bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On petition of Robert Shapiro and others

And you are directed to serve this Warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 26th day of March, 2012.

_____)	
Brian P. Major, Chairman)	
_____)	
Mary K. Lyman, Vice Chairman)	SELECTMEN
_____)	
Ted E. Teichert)	OF
_____)	ANDOVER
Paul J. Salafia)	
_____)	
Alex J. Vispoli)	

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2012

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *ANDOVER TOWNSMAN*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable